



301 RAVENSWOOD AVENUE
 MENLO PARK, CA 94025-3434
 PHONE 650.463.8100
 FAX 650.463.8400
 A LIMITED LIABILITY PARTNERSHIP

July 14, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
 Dickstein Shapiro Morin & Oshinsky, LLP
 2101 L Street NW
 Washington, D.C. 20037

Re: *Synopsys, Inc v. Ricoh Company, Ltd.*
Case No. CV 03-02289 MJJ (MCC)
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (MCC)

Dear Michael:

I write regarding your letter of July 9, 2004, enclosing a subpoena directed to Dr. Thaddeus Kowalski. As you are aware, the Court informed the parties during the conference earlier today that it would not rely on any extrinsic evidence. Further, in the event the Court determines at a later date that reliance on extrinsic evidence is appropriate, the Court will notify the parties and provide an opportunity to conduct discovery.

In light of the Court's statements, a deposition of Dr. Kowalski at this time would be premature. We thus request that you withdraw the subpoena. Please let me know before the close of business tomorrow, July 15, 2004, whether you agree to withdraw the subpoena.

Very truly yours,

 Jayna R. Whitt
 sc

cc: Edward A. Meilman, Esq.
 Gary M. Hoffman, Esq.



301 RAVENSWOOD AVENUE
MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE: July 14, 2004

TO:

1. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: New York, NY FAX #: (212) 997-9880 PHONE #: _____

3. NAME: Gary M. Hoffman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

4. NAME: _____ COMPANY: _____
 CITY: _____ FAX #: _____ PHONE #: _____

5. NAME: _____ COMPANY: _____
 CITY: _____ FAX #: _____ PHONE #: _____

FROM: NAME: Susan Crane for Jayna Whitt

DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099

NUMBER OF PAGES, INCLUDING COVER: 2 CHARGE NUMBER: 06816.0060.000000

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Please see attached letter of this date from Jayna Whitt.

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IF THERE ARE ANY QUESTIONS OR PROBLEMS WITH THE TRANSMISSION OF THIS FACSIMILE, PLEASE CALL 650.463.8103.

* * * COMMUNICATION RESULT REPORT (JUL. 14, 2004 6:28PM) * * *

FAX HEADER 1:
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TRANSMITTED/STORED : JUL. 14. 2004 6:25PM
FILE MODE OPTION

ADDRESS

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PAGE

1475 MEMORY TX

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ADDRESS

RESULT

PAG

G3 : 2#702#912028870689
G3 : 2#702#912129979880

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2/2

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER
E-5) MAIL SIZE OVER

E-2} BUSY
E-4} NO FACSIMILE CONNECTION



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DATE:	<u>July 14, 2004</u>			
TO:				
1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
		PHONE #:		
2. NAME:	<u>Edward A. Meilman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
		PHONE #:		
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
		PHONE #:		
4. NAME:		COMPANY:		
CITY:		FAX #:		
		PHONE #:		
5. NAME:		COMPANY:		
CITY:		FAX #:		
		PHONE #:		
FROM:	NAME:	<u>Susan Crane for Jayna Whitt</u>		
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NUMBER OF PAGES, INCLUDING COVER:		<u>2</u>	CHARGE NUMBER:	<u>06816.0060.000000</u>

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Please see attached letter of this date from Jayna Whitt.

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301 RAVENSWOOD AVENUE
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A LIMITED LIABILITY PARTNERSHIP

July 16, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

Re: *Synopsys, Inc v. Ricoh Company, Ltd.*
Case No. CV 03-02289 MJJ (MCC)
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (MCC)

Dear Michael:

This letter follows up on my letter of July 14, 2004, regarding our request that Ricoh withdraw the subpoena directed to Dr. Thaddeus Kowalski. In my letter of July 14, 2004, I requested a response by the close of business yesterday. I left you a voice mail earlier today but have not yet heard back from you. If Ricoh does not agree in writing to withdraw the subpoena by Monday morning, we will schedule a conference with Magistrate Chen as soon as possible to resolve the dispute.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jayna R. Whitt". Below the signature, the name "Jayna R. Whitt" is printed in a smaller, sans-serif font.

cc: Edward A. Meilman, Esq.
Gary M. Hoffman, Esq.
Kenneth Brothers, Esq.



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 MENLO PARK, CA 94025-3434
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FACSIMILE COVER SHEET

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TO:

1. NAME: Michael A. Weinstein, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

2. NAME: Edward A. Meilman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: New York, NY FAX #: (212) 997-9880 PHONE #: _____

3. NAME: Gary M. Hoffman, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

4. NAME: Kenneth W. Brothers, Esq. COMPANY: Dickstein Shapiro Morin & Oshinsky
 CITY: Washington, DC FAX #: (202) 887-0689 PHONE #: _____

5. NAME: _____ COMPANY: _____
 CITY: _____ FAX #: _____ PHONE #: _____

FROM: NAME: Susan Crane for Jayna Whitt
 DIRECT DIAL NUMBER: (650) 463-8124 USER ID: 4099
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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Jayna Whitt.

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* * * COMMUNICATION RESULT REPORT (JUL. 16. 2004 3:44PM) * * *

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FILE MODE OPTION

ADDRESS

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PAGE

1485 MEMORY TX

G3 : 2#282#912028870689
G3 : 2#282#912129979880OK
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2/2REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER
E-5) MAIL SIZE OVERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

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FACSIMILE COVER SHEET

DATE:	<u>July 16, 2004</u>			
TO:				
1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
2. NAME:	<u>Edward A. Mellman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
4. NAME:	<u>Kenneth W. Brothers, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
5. NAME:		COMPANY:		
CITY:		FAX #:		
FROM:	NAME:	<u>Susan Crane for Jayna Whitt</u>		
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Please see attached letter of this date from Jayna Whitt.

D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P
2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689
Writer's Direct Dial: (202) 828-4821
E-Mail Address: WeinsteinM@dsmo.com

July 19, 2004

Via E-Mail and US Mail

Jayna R. Whitt, Esq.
Howrey Simon Arnold & White, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025-3434

RE: *Ricoh v. Aeroflex*, Case No. CV 03-4669 MJJ (EMC)
Synopsys v. Ricoh Case No. CV 03-2289 MJJ (EMC)
Your Ref.: 06816.0060.000000
Our Ref.: R2180.0171

Dear Jayna:

In response to your letter of July 16, 2004, we decline your request to withdraw the subpoena directed to Dr. Kowalski and expect your full compliance with the subpoena. Further, we believe that your clients (including your firm) are obligated to produce all documents and communications between or among Dr. Kowalski, your clients and your firm. We expect that you will produce all communications with Dr. Kowalski, including emails, by the return date of July 30, 2004.

We agree that you bear the burden of seeking a protective order. Pursuant to Magistrate Judge Chen's instructions, please forward to us your portion of a joint letter, and we will provide our response.

Very truly yours,



Michael A. Weinstein

cc: Gary Hoffman, Esq.
Edward A. Meilman, Esq.
Kenneth Brothers, Esq.
Jeffrey Demain, Esq.

1177 Avenue of the Americas • New York, NY 10036-2714
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July 20, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

RE: Synopsys, Inc v. Ricoh Company, Ltd.
Case No. CV 03-02289 MJJ (EMC)
Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (EMC)

Dear Michael:

This letter responds to your letter of July 19, 2004, regarding Ricoh's subpoena directed to Dr. Thaddeus Kowalski. We are surprised that you would force us to move for a protective order on this issue given Judge Jenkins' comments during the status conference last Wednesday, July 14, 2004.

In light of the Court's comments, we strenuously disagree that Ricoh is entitled to any discovery from Dr. Kowalski at this time, including document production and deposition. Therefore, we will send our portion of a joint letter to you by the close of business tomorrow, July 21, 2004, and expect that you will provide your portion of a joint letter to us by the close of business on Thursday, July 22, 2004. We reserve the right to modify our portion of the joint letter in response to your portion, and then we will file it with the Court on Friday, July 23, 2004. Please contact me should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jayna R. Whitt". Below the signature, the name "Jayna R. Whitt" is printed in a smaller, sans-serif font.

cc: Edward A. Meilman, Esq.
Gary M. Hoffman, Esq.
Kenneth Brothers, Esq.



301 RAVENSWOOD AVENUE
 MENLO PARK, CA 94025-3434
 PHONE: 650.463.8100 • FAX: 650.463.8400

FACSIMILE COVER SHEET

DATE:	<u>July 20, 2004</u>			
TO:				
1. NAME:	<u>Michael A. Weinstein, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
2. NAME:	<u>Edward A. Meilman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
3. NAME:	<u>Gary M. Hoffman, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
4. NAME:	<u>Kenneth W. Brothers, Esq.</u>	COMPANY:	<u>Dickstein Shapiro Morin & Oshinsky</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
5. NAME:		COMPANY:		
CITY:		FAX #:		
FROM:	NAME:	<u>Susan Crane for Jayna Whitt</u>		
	DIRECT DIAL NUMBER:	<u>(650) 463-8124</u>	USER ID:	<u>4099</u>
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SUPPLEMENTAL MESSAGE:

Please see attached letter of this date from Jayna Whitt.

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* * * COMMUNICATION RESULT REPORT (JUL. 20. 2004 2:23PM) * * *

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PAGE

1492 MEMORY TX

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E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER
E-5) MAIL SIZE OVERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

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MENLO PARK, CA 94025-3434
PHONE: 650.463.8100 • FAX: 650.463.8400

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CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
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CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
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CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
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 ORIGINAL WILL NOT FOLLOW**SUPPLEMENTAL MESSAGE:**

Please see attached letter of this date from Jayna Whitt.

D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P
2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689
Writer's Direct Dial: (202) 828-4821
E-Mail Address: WeinsteinM@dsno.com

July 21, 2004

Via Facsimile and US Mail

Jayna R. Whitt, Esq.
Howrey Simon Arnold & White, LLP
301 Ravenswood Avenue
Menlo Park, CA 94025-3434

RE: *Ricoh v. Aeroflex*, Case No. CV 03-4669 MJJ (EMC)
Synopsys v. Ricoh Case No. CV 03-2289 MJJ (EMC)
Your Ref.: 06816.0060.000000
Our Ref.: R2180.0171

Dear Jayna:

The schedule which you have sought to impose on us in your letter of July 20, 2004 is unreasonable and unacceptable. It will not be followed.

We will prepare and provide you in a timely fashion with our portion of the joint letter (including an observation that you have failed to even seek to have a meet and confer). Obviously, until we receive your portion of the joint letter, we cannot even estimate how long it will take us to prepare our response.

Your letter also states that you intend to modify your portion of the joint letter if you see fit and then file the joint letter with the Court. That is also unacceptable. Both sides must have finalized their portions in response to the other side's portion before the letter is properly designated as a "joint" letter.

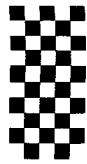
Very truly yours,



Michael A. Weinstein

cc: Gary Hoffman, Esq.
Edward A. Meilman, Esq.
Kenneth Brothers, Esq.
Jeffrey Demain, Esq.

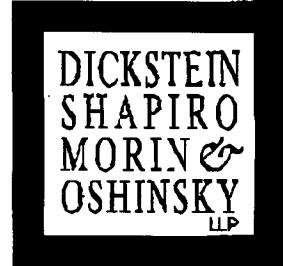
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FAX TRANSMISSION

DATE: July 21, 2004

CLIENT NO.: R2180.0171



MESSAGE TO: Jayna R Whitt, Esq.

COMPANY: Howrey Simon Arnold & White, LLP

FAX NUMBER: (650) 463-8400

PHONE: (650) 463-8100

FROM: Michael A. Weinstein **TIMEKEEPER NO.:** _____

PHONE: (202) 828-4821

PHONE: (202) 828-4821

PAGES (Including Cover Sheet): 2 **HARD COPY TO FOLLOW:** x **YES** **NO**

PAGES (Including Cover Sheet): 2 **HARD COPY TO FOLLOW:** x **YES** **NO**

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MESSAGE:

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July 21, 2004

VIA FACSIMILE AND U.S. MAIL

Michael A. Weinstein, Esq.
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street NW
Washington, D.C. 20037

RE: Ricoh Company, Ltd. v. Aeroflex, Inc.
Case No. CV 03-04669 MJJ (EMC)

Dear Michael:

This responds to your letter of earlier today regarding Dr. Kowalski's motion for a protective order. In light of my letters to you as well as my voice mail seeking a response to our request that Ricoh withdraw its subpoena and your written response unequivocally insisting on compliance absent a protective order, we do not understand how you can claim that we failed to meet and confer. If you believe we can reach an agreement regarding this matter, I am available for a telephone conference this afternoon.

Additionally, we are surprised that you will not comply with our proposed schedule for a joint submission to Magistrate Chen. We proposed an expedited schedule in order to seek resolution of the disagreement before the dates set forth in the subpoena to Dr. Kowalski. If you would like to extend the schedule, then you must agree to withdraw the subpoena. If you do not withdraw the subpoena pending resolution of the matter or agree to proceed with our schedule, we will submit our letter to Magistrate Chen tomorrow, July 22, 2004, without your position.

With respect to our reservation to amend our portion of the joint letter, we do not agree with your objection. As the moving party, we would be entitled to a reply brief. Please let me know promptly (and by the end of the day at the latest) whether you agree to proceed with the schedule set forth in my letter of July 20, 2004.

Very truly yours,

Jayna R. Whitt

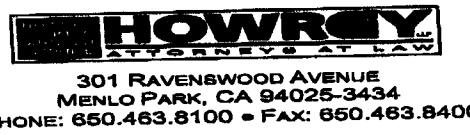
cc: Edward A. Meilman, Esq.
Gary M. Hoffman, Esq.
Kenneth Brothers, Esq.

MEMORY TRANSMISSION REPORT

TIME : JUL-21-2004 02:33PM
 TEL NUMBER : 650-463-8400
 NAME : HOWREY

FILE NUMBER : 922
 DATE : JUL-21 02:32PM
 TO : 2#112#912028870689#
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 START TIME : JUL-21 02:32PM
 END TIME : JUL-21 02:33PM
 SENT PAGES : 002
 STATUS : OK

FILE NUMBER : 922 ***** SUCCESSFUL TX NOTICE *****

**FACSIMILE COVER SHEET**

DATE:	<u>July 21, 2004</u>		
TO:	<u>NAME:</u> <u>Michael A. Weinstein, Esq.</u> <u>COMPANY:</u> <u>Dickstein Shapiro Morin & Oshinsky, LLP</u> <u>FAX NUMBER</u> : <u>(202) 887-0689</u> <u>PHONE NUMBER:</u> _____ <u>CITY:</u> <u>Washington, D.C.</u>		
FROM:	<u>NAME:</u> <u>Jayna R. Whitt, Esq.</u> <u>DIRECT DIAL NUMBER:</u> <u>(650) 463-8157</u>	<u>USER ID:</u> <u>1699</u> <u>CHARGE NUMBER:</u> <u>06816.0060</u>	
NUMBER OF PAGES, INCLUDING COVER:	<u>2</u>		

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DATE: July 21, 2004

TO: NAME: Michael A. Weinstein, Esq.

COMPANY: Dickstein Shapiro Morin & Oshinsky, LLP

FAX NUMBER: (202) 887-0689 PHONE NUMBER: _____

CITY: Washington, D.C.

FROM: NAME: Jayna R. Whitt, Esq.

DIRECT DIAL NUMBER: (650) 463-8157 USER ID: 1699

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DATE:	<u>July 21, 2004</u>			
TO:				
1. NAME:	<u>Edward A. Meilman</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>	
CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u>	
PHONE #:	<u>(212) 835-1400</u>			
2. NAME:	<u>Gary M. Hoffman and Kenneth Brothers</u>	COMPANY:	<u>Dickstein Shapiro, et al.</u>	
CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u>	
PHONE #:	<u>(202) 785-9700</u>			
3. NAME:				
CITY:				
4. NAME:				
CITY:				
5. NAME:				
CITY:				
FROM:	NAME:	<u>Jayna R. Whitt, Esq.</u>		
DIRECT DIAL NUMBER:		<u>(650) 463-8169</u>	USER ID:	<u>1699</u>
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CITY:	<u>New York, NY</u>	FAX #:	<u>(212) 997-9880</u> PHONE #: <u>(212) 835-1400</u>
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CITY:	<u>Washington, DC</u>	FAX #:	<u>(202) 887-0689</u> PHONE #: <u>(202) 785-9700</u>
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSYS, INC.,
Plaintiff,

No. C-03-2289 MJJ (EMC)
No. C-03-4669 MJJ (EMC)

v.
RICOH CO., LTD.,
Defendant.

**ORDER RE TIME-SENSITIVE
DISPUTES REGARDING SCOPE OF
DISCOVERY AND UPCOMING
DEPOSITIONS IN JAPAN**

RICOH CO., LTD.,
Plaintiff,
v.
AEROFLEX, et al.,
Defendants.

On May 13, 2004, the Court held a conference call in the above-referenced cases and hereby orders as follows.

1. Based on guidance provided by Judge Jenkins, the Court confirmed for the parties that, as a general matter, discovery in the case is for the time being limited to claims construction only and that discovery regarding liability issues (*e.g.*, infringement, invalidity) will be addressed after the *Markman* hearing.

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1 2. The Court ordered, and the parties agreed, that the depositions of Mr. Oka, Mr. Takada, and
2 Mr. Nakayama shall be deferred; that the deposition of Mr. Kobayashi in Japan shall proceed; and that,
3 because of expense and efficiency reasons, the deposition of Mr. Kobayashi shall be permitted to cover not
4 only claims construction issues but also liability issues. This is the only exception that the Court has
5 permitted to date with respect to paragraph 1, *supra*.

IT IS SO ORDERED.

Dated: May 13, 2004

/s/